

# **PLAN OF THE 2<sup>ND</sup> JUDICIAL CIRCUIT PURSUANT TO ADMINISTRATIVE ORDER No. 14**

## **I. INTRODUCTION**

The Circuit Judges of the Second Judicial Circuit of the State Arkansas, acting in compliance with Administrative Order No. 14 of the Supreme Court of Arkansas adopted April 6, 2001, as amended, hereby adopt this Plan for submission to the Supreme Court for the effective administration of justice in the 2<sup>nd</sup> Judicial Circuit of the State of Arkansas. The 2<sup>nd</sup> Judicial Circuit consists of six (6) counties and nine (9) courthouses. The six (6) counties are Clay, Craighead, Crittenden, Greene, Mississippi and Poinsett. Three of these counties have two (2) county seats: Craighead County with seats in Jonesboro and Lake City; Clay County with seats in Corning and Piggott; and Mississippi County with seats in Blytheville and Osceola.

There are currently eleven (11) Circuit Judges serving this area. The present judges of the 2<sup>nd</sup> Judicial Circuit and the division they hold are as follows:

Judge Pam Honeycutt	Division 1
Judge Lee Fergus	Division 2
Judge Brent Davis	Division 3
Judge Cindy Thyer	Division 4
Judge Ralph Wilson	Division 5
Judge Victor Hill	Division 6
Judge Barbara Halsey	Division 7
Judge John N. Fogleman	Division 8
Judge David Laser	Division 9
Judge Larry Boling	Division 10
Judge Randy Philhours	Division 11

## **II. ADMINISTRATIVE POLICY**

The case management and administrative procedures to be used within the 2<sup>nd</sup> Judicial Circuit to administer this plan and any subsequent plan will be determined by a majority vote of the Circuit Judges of the 2<sup>nd</sup> Judicial Circuit. One of the circuit judges shall serve as the Administrative Judge (AJ). The AJ shall take any and all actions necessary to implement this plan

and the administrative procedures established by the Circuit Judges of this Circuit. Effective February 1, 2009, Judge Ralph Wilson shall serve as AJ until January 31, 2011. Thereafter, the AJ shall be selected and serve a term as provided in Section 2 of Administrative Order No. 14 as amended.

### **III. CASE ASSIGNMENT AND ALLOCATION**

A) Of the eleven (11) circuit judges, ten (10) shall be assigned to the Domestic Relations and Probate Divisions. The ten (10) judges assigned to the Domestic Relations and Probate Divisions shall be those elected to Divisions 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11.

B) The Circuit Judge elected to Division 7 shall be randomly assigned 25% of the Juvenile Delinquency and FINS cases. The Circuit Judge elected to Division 4 shall be randomly assigned 12.5% of the Juvenile Delinquency and FINS cases. The Circuit Judge elected to Division 3 shall be randomly assigned 12.5% of the Juvenile Delinquency and FINS cases. The Circuit Judge elected to Divisions 5 shall be randomly assigned 34% of the Dependency-Neglect cases. The Circuit Judge elected to Division 7 shall be randomly assigned 39% of the Dependency-Neglect cases. The Circuit Judge elected to Division 2 shall be randomly assigned 50% of the Juvenile Delinquency and FINS cases. The Circuit Judge elected to Division 4 shall be randomly assigned 27% of the Dependency-Neglect cases. All matters connected with a pending or supplemental proceeding shall be heard by the judge to whom the matter was originally assigned.

C) Eleven (11) circuit judges shall be assigned to the Criminal and Civil Divisions. These circuit judges shall be randomly assigned all Criminal and Civil Division cases as described in subsection IV. CIVIL AND CRIMINAL ASSIGNMENTS. The Circuit Judges assigned to the Juvenile Division (Divisions 2, 3, 7 and 4) shall have a reduced Criminal and Civil Division caseload because of their Juvenile Division caseload. The Circuit Judges elected to Divisions 4, 5 and 7 shall have a reduced Criminal and Civil Division caseload because of their Dependency-Neglect caseload.

D) This assignment of the respective Circuit Judges to a particular division shall not preclude any Circuit Judge from hearing any and all routine and uncontested matters irrespective of the division assignments. Motions for continuance and motions to be relieved as counsel are to be heard by the judge to whom the case is assigned.

#### **IV. CIVIL AND CRIMINAL DIVISION ASSIGNMENTS**

The Circuit Clerks of the respective counties will be responsible for the random assignment of civil, juvenile and criminal cases pursuant to this plan. Pending development of the computer program referred to in paragraph 2.b.(2) of Administrative Order No. 14, this random assignment shall be accomplished by the clerk placing into a container eighteen (18) chips for civil division cases and twenty-four (24) chips for criminal division cases. These chips shall be marked with the appropriate division number for the respective judges who will be assigned cases within that county and for that subject matter division. There shall be an equal number of chips for each judge assigned to hear cases within that county (or district in the case of dual county seats). As each case is filed, the Clerk shall draw a chip. The case shall be assigned to the Judge whose chip is drawn. The chip shall then be placed into a second container. Once the first container's chips are entirely used, the process shall begin anew with the chips in the second container. All matters connected with a pending or supplemental proceeding shall be automatically assigned by the clerk to the Judge to whom the matter was originally assigned. In such a case, the clerk shall manually retrieve a chip for the assigned judge and transfer it to the used chip box.

In the Eastern District of Clay County, all criminal and civil cases shall be assigned to judges elected to Divisions 1 and 7. In the Western District of Clay County, all criminal and civil cases shall be assigned to judges elected to Divisions 5 and 10.

In the Western District of Craighead County, all criminal cases shall be assigned to judges elected to Divisions 2, 4, 6, and 11. All civil cases filed in this district shall be assigned to judges elected to Divisions 1, 8 and 9. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 9.

Because of the comparatively small caseload in the Eastern District of Craighead County and in view of speedy trial considerations and judicial efficiency, all civil and criminal cases will be assigned to a single Circuit Judge within that district. All civil and criminal cases shall be assigned to the judge elected to Division 8.

In Crittenden County, all criminal cases shall be assigned to judges elected to Divisions 5, 8 and 11. All civil cases filed in Crittenden County shall be assigned to judges elected to Divisions 3, 6 and 8. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 4.

In Greene County, all criminal cases shall be assigned to judges elected to Divisions 5, 7 and 9. All cases referred to drug court for disposition shall then be reassigned to the judge elected to Division 7 11. All civil cases filed in Greene County shall be assigned to judges elected Divisions 3 and 8.

In Poinsett County, all criminal cases shall be assigned to judges elected to Divisions 4, 6 and 9. All civil cases filed in Poinsett County shall be assigned to judges elected to Divisions 3 and 8.

In the Chickasawba District of Mississippi County, all criminal cases shall be assigned to judges elected to Divisions 4, 6 and 8. All civil cases filed in the Chickasawba District of Mississippi County shall be assigned to judges elected to Divisions 3, 9 and 11.

In the Osceola District of Mississippi County, all criminal cases shall be assigned to judges elected to Divisions 1 and 9. All civil cases filed in the Osceola District of Mississippi County shall be assigned to judges elected to Divisions 3 and 11.

#### **V. DOMESTIC RELATIONS AND PROBATE DIVISION ASSIGNMENTS**

For the purposes of this plan, "Domestic Relations" shall mean cases relating to divorce, annulment, separate maintenance, child custody, visitation, child support, paternity and domestic abuse. "Probate" means cases relating to decedent's estates, trust administration, adoption, guardianship, conservatorship, commitment, change of name and adult protective custody. All cases filed in the Domestic Relations and Probate Divisions of the Circuit Court of the various counties within the 2<sup>nd</sup> Judicial District shall be assigned to the Judges elected to Divisions 1, 2, 3, 4, 5, 6, 7, 9, 10 and 11. Case assignment in the Domestic Relations and Probate Divisions shall be randomly done and assigned in the following percentages:

Division 1—20%  
Division 2---1.2%  
Division 3—15.7%  
Division 4—0.64%  
Division 5—5.5%  
Division 6—6.75%  
Division 7—6.7%  
Division 9---7.6%  
Division 10—29.8%

## Division 11—6.11%

The Clerks of the Circuit Court shall, on a monthly basis, prepare and forward to a trial court assistant designated for that purpose, a list of cases filed complete with the case numbers assigned and the name and address of the attorneys and/or pro se litigants filing any pleading in such case, if known. Case assignment is to be made by the Clerks of the Court on a random basis. The initial temporary hearing can be heard by any Circuit Judge at a regularly scheduled Domestic Relations/Probate Chambers Day. Thereafter, all communication regarding such case shall be forwarded to the judge to whom the case is assigned, or to his/her trial court assistant as may be needed or necessary. All matters connected with a pending or supplemental proceeding shall be heard by the judge to whom the matter was originally assigned, excepting those matters which previously have been adjudicated on the merits, and subsequent proceedings to modify or to enforce the decree have been filed.

## VI. CASELOAD ESTIMATES

The judges of the 2<sup>nd</sup> Judicial Circuit, in developing this plan, relied on caseload statistics prepared by the AOC for the calendar years 2005, 2006 and 2007. The Judges elected to divisions 1, 2, 3 and 8 would have a caseload of approximately 2034 cases per judge. The Judge elected to Division 4 would have a caseload of approximately 1912 cases. The Judge elected to Division 5 would have a caseload of approximately 1893 cases. The Judge elected to Division 7 would have a caseload of approximately 1876 cases. The Judges elected to divisions 6, 9, 10 and 11 would have a caseload of approximately 2035 cases per judge. In the event this assignment system results in a workload imbalance which adversely affects the judge or the judicial circuit, the AJ shall take steps to correct this imbalance by proposing an amended plan to correct any problem.

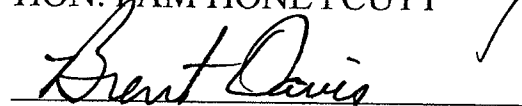
## VII. CONCLUSION

The 2<sup>nd</sup> Judicial Circuit consists of six (6) counties and nine (9) courthouses. It includes the larger cities of Jonesboro , West Memphis , Blytheville and Paragould . This district has approximately 250 attorneys living in this judicial circuit who practice in its courts. Prior to the legislature authorizing an eleventh circuit judge effective July 1, 2007, this judicial circuit had one of the heaviest caseloads per judge in the State. The

Judges of the 2<sup>nd</sup> Judicial Circuit submit that this plan provides an efficient method for the administration of justice in the 2<sup>nd</sup> Judicial Circuit, taking into consideration the size of this judicial district, the number of courthouses, speedy trial considerations in criminal cases, the need to provide numerous opportunities in each county for judges assigned to hear civil cases in that courthouse and Administrative Order No. 14 as amended.

Dated this 11<sup>th</sup> day of June, 2009.

  
HON. PAM HONEYCUTT

  
HON. BRENT DAVIS

  
HON. RALPH WILSON

  
HON. BARBARA HALSEY

  
HON. DAVID LASER

  
HON. RANDY PHILHOURS

  
HON. LEE FERGUS

  
HON. CINDY TIMMER

  
HON. VICTOR HILL

  
HON. JOHN N. FOGLEMAN

  
HON. LARRY BOLING